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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 \* \* \*

11 BRANCH BANKING AND TRUST  
12 COMPANY, a North Carolina banking  
13 corporation,

14 Plaintiff,

15 vs.

16 PEBBLE CREEK PLAZA PAD, LLC, a  
17 Nevada limited liability company, YOEL INY;  
18 NOAM SCHWARTZ; YOEL INY, Trustee of  
19 the Y&T INY FAMILY TRUST dated June 8,  
20 1994; NOAM SCHWARTZ, Trustee of the  
NOAM SCHWARTZ TRUST dated August 19,  
1999; D.M.S.I., L.L.C., a Nevada limited  
liability company; and DOES 1 through 10,  
inclusive,

Defendants.

CASE NO. 2:12-cv-01736-LRH-CWH

21 STIPULATED ORDER TO VACATE JUDGMENTS  
22 AND TO DISMISS ACTION WITH PREJUDICE

23 Plaintiff BRANCH BANKING AND TRUST COMPANY ("BB&T" or "Plaintiff"), by  
24 and through its undersigned counsel of record, and Defendants PEBBLE CREEK PLAZA PAD,  
25 LLC, YOEL INY, NOAM SCHWARTZ, YOEL INY as Trustee of the Y&T INY FAMILY  
26 TRUST dated June 8, 1994, NOAM SCHWARTZ as Trustee of the NOAM SCHWARTZ  
27 TRUST dated August 19, 1999, and D.M.S.I., L.L.C. (collectively "Defendants"), by and  
28 through their undersigned counsel of record, hereby stipulate and agree to the entry of this

1 Stipulated Order by this Court providing as follows:

2 1. The Final Deficiency Judgment entered in this action in favor of BB&T and  
3 against Defendants on July 11, 2016 [ECF No. 111] in the amount of \$751,987.36 is hereby  
4 vacated;

5 2. The Judgment entered in this action in favor of BB&T and against Defendants on  
6 February 8, 2017 [ECF No. 130] awarding BB&T attorney fees in the amount of \$160,489.32  
7 and nontaxable costs in the amount of \$9,896.95 is hereby vacated;

8 3. All claims and counterclaims asserted in this action are hereby dismissed with  
9 prejudice; and

10 4. The parties shall each bear their own attorney fees and costs incurred in  
11 connection with this action.

12  
13 IT IS SO STIPULATED.

14 DATED this 19 day of Dec., 2017.

DATED this 6<sup>th</sup> day of Nov., 2017.

15 **HOLLAND & HART LLP**

**KOLESAR & LEATHAM**

16  
17 By 

By 

18 JEREMY J. NORK, ESQ.  
19 FRANK Z. LAForge, ESQ.  
20 5441 Kietzke Lane, Second Floor  
Reno, Nevada 89511

BART K. LARSEN, ESQ.  
400 South Rampart Boulevard, Suite 400  
Las Vegas, Nevada 89145

21 *Attorneys for Plaintiff*

*Attorneys for Defendants*

22  
23 **IT IS SO ORDERED.**

24   
25  
26 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE

27 DATED: December 22, 2017  
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